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***Attorneys for Plaintiff,***  
***FINJAN LLC***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 4:14-cv-04908-PJH

**FINJAN LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL ITS  
MOTION FOR LEAVE TO AMEND ITS  
INFRINGEMENT CONTENTIONS AND  
EXHIBITS 1 – 7**

Hon. Phyllis J. Hamilton  
Ctrm: 3, 3<sup>rd</sup> Floor

# I. INTRODUCTION

Plaintiff Finjan LLC (“Finjan”), having reviewed and complied with Civil Local Rule 79-5, hereby moves the Court for permission to file under seal the following documents:

ECF of Exh. No.	Document	Portion(s) to Seal	Reason(s) for Sealing
Dkt. 143	Finjan’s Notice of Motion and Motion for Leave to Amend Its Infringement Contentions	Highlighted portions on pp. 2, 3, 4, 5, 6, 8, 9, 10, 11, 12.	Highlighted portions reflect information PAN has designated “Highly Confidential – Attorneys’ Eyes Only” and/or “Highly Confidential – Source Code” under the Protective Order, and from which confidential information regarding PAN’s accused products could be potentially discerned.
Ex. 1	<b>Exhibit 1</b> to Declaration of Phillip W. Goter in Support of Finjan’s Notice of Motion and Motion for Leave to Amend its Infringement Contentions (Email thread from February 25, 2021 to June 29, 2021 regarding deficiencies in PAN’s source code production)	Highlighted portions on pp. 2, 3, 4, 6.	Highlighted portions reflect information PAN has designated “Highly Confidential – Attorneys’ Eyes Only” and/or “Highly Confidential – Source Code” under the Protective Order, and from which confidential information regarding PAN’s accused products could be potentially discerned.
Ex. 2	<b>Exhibit 2</b> to Declaration of Phillip W. Goter in Support of Finjan’s Notice of Motion and Motion for Leave to Amend its Infringement Contentions (Email thread from May 28, 2021 to June 29, 2021 regarding several issues including deficiencies in PAN’s source code and document production)	Highlighted portions on pp. 2, 9.	Highlighted portions reflect information PAN has designated “Highly Confidential – Attorneys’ Eyes Only” and/or “Highly Confidential – Source Code” under the Protective Order, and from which confidential information regarding PAN’s accused products could be potentially discerned.
Ex. 3	<b>Exhibit 3</b> to Declaration of Phillip W. Goter in	Entire document (pp. 1 – 392).	Content on each page of this document reflects

1		Support of Finjan's Notice of Motion and Motion for Leave to Amend Its Infringement Contentions (Appendix B- 1 to Finjan's Proposed Amended Infringement Contentions showing PAN's infringement of the '731 Patent with amendments in redline)		information PAN has designated "Highly Confidential – Attorneys' Eyes Only" and/or "Highly Confidential – Source Code" under the Protective Order, and from which confidential information regarding PAN's accused products could be potentially discerned.
2	Ex. 4	<b>Exhibit 4</b> to Declaration of Phillip W. Goter in Support of Finjan's Notice of Motion and Motion for Leave to Amend Its Infringement Contentions (Appendix D- 1 to Finjan's Proposed Amended Infringement Contentions showing PAN's infringement of the '633 Patent with amendments in redline)	Entire document (pp. 1 – 116).	Content on each page of this document reflects information PAN has designated "Highly Confidential – Attorneys' Eyes Only" and/or "Highly Confidential – Source Code" under the Protective Order, and from which confidential information regarding PAN's accused products could be potentially discerned.
3	Ex. 5	<b>Exhibit 5</b> to Declaration of Phillip W. Goter in Support of Finjan's Notice of Motion and Motion for Leave to Amend Its Infringement Contentions (Appendix E- 1 to Finjan's Proposed Amended Infringement Contentions showing PAN's infringement of the '154 Patent with amendments in redline)	Entire document (pp. 1 – 385).	Content on each page of this document reflects information PAN has designated "Highly Confidential – Attorneys' Eyes Only" and/or "Highly Confidential – Source Code" under the Protective Order, and from which confidential information regarding PAN's accused products could be potentially discerned.
4	Ex. 6	<b>Exhibit 6</b> to Declaration of Phillip W. Goter in Support of Finjan's Notice of Motion and Motion for Leave to Amend Its Infringement Contentions (Appendix E- 2 to Finjan's Proposed	Entire document (pp. 1 – 173).	Content on each page of this document reflects information PAN has designated "Highly Confidential – Attorneys' Eyes Only" and/or "Highly Confidential – Source Code" under the

	Amended Infringement Contentions showing PAN's infringement of the '154 Patent with amendments in redline)		Protective Order, and from which confidential information regarding PAN's accused products could be potentially discerned.
Ex. 7	<b>Exhibit 7</b> to Declaration of Phillip W. Goter in Support of Finjan's Notice of Motion and Motion for Leave to Amend Its Infringement Contentions (Appendix F-1 to Finjan's Proposed Amended Infringement Contentions showing PAN's infringement of the '408 Patent with amendments in redline)	Entire document (pp. 1 – 364).	Content on each page of this document reflects information PAN has designated "Highly Confidential – Attorneys' Eyes Only" and/or "Highly Confidential – Source Code" under the Protective Order, and from which confidential information regarding PAN's accused products could be potentially discerned.

Filed concurrently herewith and pursuant to Civ. L.R. 79-5(c) are the confidential versions of Finjan's Notice of Motion and Motion for Leave to Amend Its Infringement Contentions and Exhibits 1 – 7 to the Declaration of Phillip W. Goter in Support thereof, as well as a public redacted version of the Motion.

## **II. ARGUMENT**

### **A. Legal Standard**

Under Fed. Rule Civ. P. 26(c)(1)(G), the Court may, in its discretion and for good cause, issue an order "requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way." Similarly, in this Circuit, the Court may seal documents and information in the case of a dispositive motion if there are "compelling reasons" to do so, and where "good cause" exists in the case of non-dispositive motions. *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1095-1100 (9th Cir. 2016). A motion is considered "non-dispositive" when the motion is no more than "tangentially related" to the underlying cause of action. *Id.* at 1099. The "good cause" standard requires a "particularized showing" that "specific prejudice or harm will result" if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir.

2002) (internal quotation marks omitted). “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 476 (9th Cir. 1992). A request to seal material “must be narrowly tailored to seek sealing only of sealable material.” L.R. 79-5(b).

**B. Finjan’s Administrative Motion to Seal Is Supported by Good Cause and is Narrowly Tailored**

Good cause exists to file the documents in question under seal, as described in the Declaration of Jared A. Smith In Support of Finjan LLC’s Administrative Motion to File under Seal Its Notice of Motion and Motion for Leave to Amend Its Infringement Contentions and Exhibits 1 – 7 (“Smith Decl.”) accompanying this motion to seal.

Finjan’s request is narrowly tailored to seal only information that has been designated as confidential pursuant to the protective order entered in this case. For the foregoing reasons, Finjan respectfully requests that the Court grant its request that the documents described above remain under seal.

Dated: July 19, 2021

/s/ Jared A. Smith

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